

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

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In re: : PROMESA
: Title III
THE FINANCIAL OVERSIGHT AND :
MANAGEMENT BOARD FOR PUERTO RICO, : Case No. 17-BK-3283 (LTS)
: (Jointly Administered)
as representative of :
THE COMMONWEALTH OF PUERTO RICO et al., :
Debtors.¹ :

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In re: : PROMESA
: Title III
THE FINANCIAL OVERSIGHT AND :
MANAGEMENT BOARD FOR PUERTO RICO, : Case No. 17-BK-3566 (LTS)
: (Jointly Administered)
as representative of :
THE EMPLOYEES RETIREMENT SYSTEM OF THE :
GOVERNMENT OF THE COMMONWEALTH OF PUERTO :
RICO, :
Debtors. :

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¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474), and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

ORDER

This matter is before the Court on the *Urgent Request for Immediate Status Conference* (Dkt. No. 438 in 17-BK-3566; Dkt. No. 6199 in 17-BK-3283) and the *Objection of Financial Oversight and Management Board, as Representative of Debtor, to Motion for Immediate Status Conference* (Dkt. No. 439 in 17-BK-3566; Dkt. No. 6210 in 17-BK-3283). The Court held an urgent status conference on Friday, April 12, 2019 at 4:45 p.m. with the parties to the upcoming motions to compel to be filed in connection with the *Motion of Certain Secured Creditors of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico for Relief from the Automatic Stay* (Dkt. No. 393 in 17-BK-3566). In accordance with the rulings made by the Court during the status conference, the Court hereby rules as follows²:

1. Producing parties shall revise any existing privilege logs in order to provide a document by document log when claiming the deliberative process or executive privilege. The categorical approach taken to date for other privileges is sufficient but may be modified on agreement of the parties.
2. ERS, the Commonwealth and AAFAF shall produce updated privilege logs by the afternoon of Sunday, April 12, 2019.
3. Subject to Judge Swain's previous scheduling order (Dkt. No. 393 in 17-3566), motions to compel are currently due by Monday, April 15, 2019. That due date is modified as follows:

² To the extent that some of the dates herein have passed, this order memorializes the oral orders given during the status conference.

- a. Motions to compel regarding privileges other than the deliberative process and executive privilege shall be due by Monday, April 15th.
 - b. Motions to compel regarding the deliberative process and executive privilege shall be due by Tuesday, April 16th.
 - c. Oppositions to both motions to compel shall be due by Friday, April 19 at 10:00am.
 - d. Replies in support of both motions to compel shall be due by Monday, April 22 at 5:00p.m.
 - e. The page limit for the motions to compel collectively shall be 35 pages not including table of contents, table of authorities and signature pages. The page limit for any oppositions, collectively, shall also be 35 pages.
4. The Oversight Board shall produce documents on a rolling basis in accordance with the following deadlines:
 - a. An initial production of documents on Sunday, April 14, 2019;
 - b. The April 14, 2019 production will be supplemented on April 16, 2019;
 - c. The Oversight Board will produce a privilege log, in accordance with the guidance set by paragraph 1 of this order, by April 19, 2019;
 - d. The parties hereto shall file a status report with the Court on the Oversight Board's production and privilege log by April 23, 2019 at 12:00 p.m.
5. The Court intends to hear the motions to compel at the omnibus hearing in San Juan, Puerto Rico on April 24, 2019. If the parties need to move that date, the Court is

amendable to such but the parties must inform the Court prior to the omnibus hearing date.

This order resolves Dkt. No. 438 in 17-BK-3566 and Dkt. No. 6199 in 17-BK-3283.

SO ORDERED.

/s/ Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

DATED: April 16, 2019